

OFFICE OF THE GOVERNOR
STATE OF MONTANA

BRIAN SCHWEITZER
GOVERNOR



JOHN BOHLINGER
LT. GOVERNOR

October 30, 2006

Mr. Dan Jewell, Area Manager
US Bureau of Reclamation
PO Box 30137
Billings MT 59107-0137

RE: PROPOSED FALL/WINTER OPERATING PLAN FOR YELLOWTAIL DAM

Dear Mr. Jewell:

I write to inform you that the State of Montana is opposed to the US Bureau of Reclamation's (USBR) proposed operating plan for Yellowtail Dam dated October 26, 2006.

The plan does not provide, under the most probable scenario, for a spring rise to facilitate rainbow spawning and to water critical side channels for the rearing of both rainbow and brown trout. Watering these side channels is critical to the continued biological health of this great river. In addition, Montana cannot condone even the possibility of allowing the river to reach 1300 cfs under the low flow scenario. In the spirit of compromise, we have acquiesced to this emergency low flow for short periods in the past. However, given the unwillingness of our neighbors to the south to compromise in a reciprocal manner, we are no longer willing to accept this level of impact for what amounts to very little benefit to the reservoir.

As you know, Montana's Big Horn River is an internationally renowned trout fishery. During the late 1990s when flows were at or above our recommended levels, fish populations were very good. The Big Horn experienced 94,000 angler days in 1999, of which over 57,000 were attributed to non-residents who contributed greatly to Montana's economy. We have long considered Bighorn River flows as the single greatest influence on trout numbers in the river, and the effects of low flows have been obvious during the current extended drought. In the past seven years, flows have been well below our recommended 2,500 cfs, and have even dropped below the absolute minimum of 1,500 cfs. Fish populations have suffered. In 2005 angler days dipped to 68,000 days, with 43,000 of those attributed to non-residents. This situation represents a significant blow to the local economy.

Side-channel habitat is important not only for spawning, but also as the key rearing area for juvenile trout. At the target minimum flow of 2,500 cfs, most important side-channel habitat in the Bighorn is available to both adult and younger trout. Once flows drop below our standard minimum flow of 2,000 cfs, side-channel habitat is lost at an accelerated rate. At 1,500 cfs, most important side-channel habitat is unavailable to all trout.

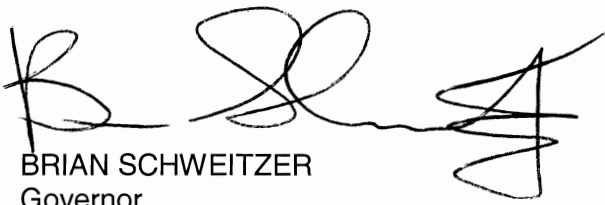
In the 1990s when Bighorn flows were generally very good, trout populations averaged around 5,000 to 6,000 trout per mile. Populations in the upper river reached record highs of 2,300 rainbow trout per mile in 1997, and over 8,800 brown trout per mile in 1998. Current drought conditions first started to affect the river in 1999. Due to conservative operations by the USBR, however, Bighorn River flows did not drop below the target minimum flow of 2,500 cfs until the spring of 2000. Flows dropped to 2,000 cfs by September 2000 and to the absolute minimum flow of 1,500 cfs by September 2001. River flows remained at or below 1,500 cfs until June of 2005. Flows were actually reduced to 1,300 cfs during parts of 2003 and 2004.

I recognize that your proposed plan is based upon anticipated inflows equivalent to 80% of those experienced during the current drought, during which five of the six lowest inflows on record occurred. Raising flows to 2,000 cfs in mid-April will allow spawning rainbow trout to use at least some of the side-channel habitat, and will provide a conservative base flow to keep redds wetted until fry emerge in mid-July.

I emphasize that our preferred minimum flow is 2,500 cfs. If snow packs and reservoir levels allow, I would ask that river flows be adjusted upward to reflect improved conditions and forecasts. At the same time, in light of the social and economic values of the Bighorn River fishery, it is unacceptable to allow flows below the absolute minimum of 1,500 cfs.

Again, in the spirit of compromise, Montana would support a plan that provides for a rise in mid-April to 2,500 cfs and extends through the growing season. In addition, the low flow scenario minimum must be adjusted from 1300 cfs to 1500 cfs.

Sincerely,



BRIAN SCHWEITZER
Governor

cc: Senator Max Baucus
Senator Conrad Burns
Representative Dennis Rehberg
Jeff Hagener, Director, Montana Department of Fish, Wildlife and Parks
Shane Colton, Fish, Wildlife and Parks Commission